



CITY OF MIAMI SPRINGS, FLORIDA

The regular meeting of the **Miami Springs Code Enforcement Board** was held on **Tuesday, June 7, 2011** at 7:00 p.m. in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at 7:00 p.m. by Chairman Marlene B. Jimenez.

Present: Chairman Marlene B. Jimenez
Vice-Chairman Raul Saenz
Jacqueline Martinez-Regueira
John Bankston
Rhonda Calvert
Robert Williams

Also Present: Code Compliance Officer Harold (Tex) Ziadie
Code Compliance Officer Lourdes Taveras
Council Liaison-Councilwoman Jennifer Ator

Absent: Walter Dworak

2) Invocation/Salute to the Flag

All present participated.

3) Approval of Minutes:

Minutes of the November 2, 2010 meeting were **approved as written**.

Board member John Bankston moved to approve the minutes of November 2, 2010. Member Jacqueline Martinez-Regueira seconded the motion, which was passed unanimously by acclimation, all members voting “aye”.

4) OLD BUSINESS-

- 1) Case# 08-2178
Address: 240 Lenape Drive
Owner: Domingo Santana & Milagros Solis
Violation: Section 151-04 Work Without a Permit

Code Compliance Officer Tex Ziadie presented a letter to the Board from Ms Solis (attached below), asking that this case be postponed until the next meeting. There was some discussion about the history of the case, and Officer Taveras displayed some pictures to show work that has been completed since the last meeting.

Board member John Bankston made a motion to postpone this case until the August Board meeting. Member Robert Williams seconded the motion. The motion passed with five “Aye” votes and Vice-Chairman Saenz abstaining.

All present who were to give testimony were sworn in by Tex Ziadie, acting as Clerk of the Board.

- 2) Case# 09-1552
Address: 1259 Bluebird Avenue
Owner: Pedro and Maira Gonzalez
Violation: Section 150-013 Residential planting, fences & walls.

Code Compliance Officer Lourdes Taveras presented the case as follows:

Since this case had been heard previously, only the action of the Prior Board meeting was stated in the meeting, although the entire text of the last meeting was in the packets given to the Board.

At the Nov. 2, 2010 Board meeting, Board member John Bankston made a motion that Mister Gonzalez be given until March 1, 2011 to come into compliance. If he does not, then a fine of \$25 per day would be levied, starting March 1st. Member Jacqueline Martinez-Regueira seconded the motion and it passed unanimously on roll call vote.

On March 3, 2011 the property was inspected and the ficus hedges were still in place. Received information from the City Planner that the property owner was to apply for a variance to keep the ficus hedges. Meeting will be held on May 2, 2011.

On May 13, 2011 inspected the property and ficus hedges were still in place. Checked the variance log and found that an application for variance was not submitted.

On May 16, 2011 sent a Summons to Appear before the CEB to establish liens.

Officer Taveras displayed pictures to show what the Ficus hedges looked like now.

Mister Gonzalez spoke and asked if any of the Board members had taken a look at his hedges. Chairman Jimenez stated that she had gone by and looked. Mister Gonzalez stated that it was ridiculous for him to have to be here over planting fourteen hedges. He said that the hedges were only planted because a neighbor had allowed a Jacuzzi on his property to lean over on his fence and Code Enforcement had done nothing about that and then when the neighbor moved and removed the Jacuzzi he had to replace the hedges. The Board asked Mister Gonzalez why he had not applied for the variance. He stated that it was a lot of trouble and required filling out a lot of paperwork. He also stated that he was coming to the Board to ask for an exception to be made. He said that he had spoken to the Mayor, and even the Police Officer who delivered the Summons agreed with him.

Tex Ziadie stated that the Code Enforcement Board does not have the authority to grant exceptions to the Code. Only the Board of Adjustment could do that and Mister Gonzalez had not applied for the Variance. There was additional discussion and questions from the Board. Mister Gonzalez then stated that what he would do is pull up those ficus hedges and plant other ones from another location in his yard. He was advised by Vice-Chairman Saenz that he could not do that since it would still be planting replacement plants. Mister Gonzalez was asked if he was willing to apply for the variance and he said that he was.

Vice-Chairman Raul Saenz made a motion that Mister Gonzalez be granted until the next meeting in August to apply for the variance. If he does not, then the fine previously levied of \$25 per day would start effective the original date of March 1, 2011. Member John Bankston seconded the motion and it passed unanimously on roll call vote.

5) NEW BUSINESS-CASES

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|----|------------|---------------------------------------|
| 1) | Case# | 11-205 |
| | Address: | 144 South Drive |
| | Owner: | Doris E. Boiesen |
| | Violation: | Section 93-13 Maintenance of Property |

Code Compliance Officer Taveras presented the case as follows:

On Nov. 30, 2010 based on an anonymous complaint inspected the property, at the time of inspection noticed that the front porch was completely filled with plastic bags, plastic buckets, furniture, papers, and other misc. items too many to mention. The front door was blocked up to two feet high. The rest of the porch was completely filled up to the about 5 feet and the planters were filled with items. Mailed a NOV to the property owner because there was no access to her door.

On Jan. 10, 2011 a NOV was mailed by certified mail and regular mail, unable to post because the front door and porch were blocked by trash bags, and other items.

On Feb. 14, 2011 on a re-inspection noticed that a large amount of items had been removed, spoke to Ms. Boiesen and she requested until the end of Feb. because she had some City activities that she had to attend to. Granted until March 1, 2011 to comply.

On 03/24/2011 during follow up inspection spoke to Ms. Boiesen who was outside with a man cleaning a wood frame. Advised her that she was removing items from the front of her house but piling them in the rear yard. That she needed to get rid of items that were derelict or dilapidated. Granted her 30 more days to comply.

On 05/03/2011 during follow up inspection noticed that no further action had been taken, most of the items that were in the front of the property had been placed in the rear of the property. There was still an excessive amount of items in the front yard behind a covered vehicle, and in the rear, some of the items have plants growing on them, there is an inoperable Burgundy van in the rear. The property owner has been given a significant amount of time to rid the property of excessive collection of derelict items. Being that there are various complaints against this property the case will be referred to the Code Compliance board for the June meeting.

On May 16, 2011 a Summons to Appear before the CEB on June 7, 2011 was sent via Police service, Certified mail and regular mail to the property owner's living address of 117 Curtiss Parkway and regular mail to 144 South Drive.

Officer Taveras displayed pictures of the property.

Ms Boiesen approached the podium and stated that she had been trying to give the items away to organizations that could use them. She stated that she was slow. The Board asked her if she was asking for more time and she said yes.

Mister Bob Calvert of 101 South Drive was in the audience and asked if he could speak.

Chairman Jimenez asked Tex Ziadie. Tex Ziadie stated that Mister Calvert had not been called as a witness by either Code Compliance or Ms Boiesen and therefore he normally would not be called on to speak, but if the Board wished to hear him they could. The Board stated that he could speak.

Mister Calvert was sworn in. Mister Calvert stated that he had lived across from Ms Boiesen's house all of his life for 62 years and that this problem had been going on for decades. He said that his parents had offered to help Ms Boiesen, but she would never accept the help. He said that this had gone on long enough and that it was time for it to be brought to a head. Mister Calvert made other comments and read a section from the Miami Herald about property values being hurt by other properties in a neighborhood. He also stated that Ms Boiesen was getting two Homestead exemptions. He read a section of the Code and said that he had spoken to Tex Ziadie about section 10-16 which said we had the right to enter properties. Vice-Chairman Saenz asked Mister Calvert if the bottom line was that he wanted the Board to enforce the Code.

Mister Calvert said yes.

Ms Boiesen again came to the podium and stated that Mister Calvert's parents had never offered her help. She also stated that she was not getting two Homestead exemptions, but that she used to own the building where she lived but had sold it and was renting there now. She asked what the purpose of a porch was as it was not stated in the Code and what could she keep there.

Tex Ziadie stated that a porch was not for the purpose of storing material. He said that in the past Ms Boiesen had stored chemicals and other materials on the porch and this was not safe as any person could come up to the porch and access that material. Also the storage of cardboard and other material that would attract bugs and other creatures was not allowed. Finally he stated again that a porch was not for the purpose of storing material.

Vice-Chairman Saenz asked about the Homestead exemptions.

Tex Ziadie stated that we did not know anything about that and it was not pertinent to the case being considered. He also stated that he had already told Mister Calvert that in regard to entering properties, it had been discussed with the Administration and with the City Attorney and we simply did not do that. We never entered any properties without permission from the owner. That is why we had mailed the paperwork to Ms Boiesen, as we could not get to her front door from the porch.

Vice-Chairman Raul Saenz made a motion to grant Ms Boiesen until the next Board meeting in August to come into compliance and if she did not, a fine of \$25 per day would begin. Mister Saenz stated that he felt that Member Rhonda Calvert should abstain from voting on this case. Member Rhonda Calvert agreed.

There was discussion of the time frame, but there was no second to the motion.

Member Robert Williams made a motion to grant Ms Boiesen 30 days until July 7, 2011 to come into compliance. If she did not, then a fine of \$25 per day would begin on July 8, 2011. Vice-Chairman Saenz seconded the motion and it passed with five "Aye" votes and with Member Rhonda Calvert abstaining.

Chairman Jimenez asked Ms Boiesen if she understood the action of the Board and that help was available to her? She said that yes she understood.

2)	Case#	10-1075
	Address:	273 Navajo Street
	Owner:	Sonja J. Broom for the Estate of Robert Denton
	Violation:	Section 93-13 Maintenance of Property

Officer Taveras stated the case as follows (The Property representatives did not appear):

On June 15, 2010 based on a citizen complaint regarding the condition of the property, a visual inspection of the property was made. At the time of inspection it was noticed that the house was vacant and in an unsafe and unsightly condition. The roof needs replacement, the exterior walls are deteriorated, there are vines growing out of the roof and walls, the windows and doors are broken and need replacing, the house is full of piled up furniture, bushes are over grown around the house. There are two very deteriorated mobile homes in the rear yard. This property has been cited for the same violations since 1992. After researching the property owner, in the Miami Dade County Clerk of Courts website it was found that Sonja Broom is the Personal Representative for the Estate of Robert Denton. A Courtesy Notice was sent via regular mail and certified mail to: 272 Navajo ST. and to 426 S.E. 3rd Terr. Dania, FL 33004. Granted 30 days to comply by completely demolishing the structure or repairing it and removing the two mobile homes from the property.

On August 5, 2010 a follow up inspection was performed and noticed that no action had been taken to improve the condition of the house and no contact had been made by the property owner or by his representative. A Notice of Violation was sent via Certified mail, regular mail and posted at the property. The notice specified the actions that are required to bring the property into compliance:

- 1) Remove inoperable vehicles (Mobile homes)
- 2) Empty house of all derelict property.
- 3) Repair and paint house.
- 4) Repair roof.
- 5) If structure is unsafe and beyond repair, structure should be demolished.

On Sept. 13, 2010 Ms. Broom contacted me via email stating that she would comply by demolishing the house, also that she needed information on a company to remove the campers.

On Sept. 15, 2010 During a follow up inspection noticed that there were two vehicles park on the property and it seemed that it was being emptied.

On Nov. 30, 2010 on a follow up inspection noticed that progress to clean the property had stopped, the trailers were still on the property, the house was still full of debris, and in need of maintenance.

On Jan. 27, 2011 no improvements had not been made, referred the case to CEB.

On May 16, 2011 Summons to appear was sent via Certified mail and regular mail, service by Police was not performed because the property representative lives in Dania, FL.

On May 30, 2011 letters were returned to Code Compliance due to wrong address on the envelopes. Summons were re-mailed via Certified mail and regular mail.

Vice-Chairman Raul Saenz asked if we had confirmation that the notices had been received. Officer Taveras stated that the second Notices of Certified Mail had not come back yet.

Vice-Chairman Raul Saenz made a motion that this case be tabled until the next meeting in August to allow time to be sure that the Notices had been received. Member Rhonda Calvert seconded the motion and it passed unanimously on roll call vote.

6) Council Liaison Report and Request

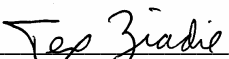
Tex Ziadie distributed folders to the members containing two recent memos to the City Council and a copy of the color palette for Commercial revitalization that had been adopted by the Council. He explained that he had made presentations to the Council recently and that they had told him that they wanted us to “enforce the Code.” He stated that Council had authorized us to hire two part time Code Compliance Officers and one Full time Admin support person for the office. He went over the memos and discussed the time frame changes that Council had approved, including eliminating verbal notices as a first contact. He said that this should result in more cases coming to the Board more rapidly. He also discussed the color palette and its enforcement. One of the members asked if the color palette would later extend into the Residential zones. Tex responded that he had not heard anything about that possibility in Miami Springs, although he knew that other cities had done that.

Councilwoman Ator was present. She approached the podium and thanked the members for their service. She clarified that the color palette for 36th Street did not apply to the entire Airport Marine Highway District as the Council had not dealt with that or the Abraham tract yet. It only applied to the 36th Street corridor at this time. She elaborated on the Council being completely committed to enforcing the Code and that yes it would mean more work coming to the Board and they needed to be prepared for that. She addressed the issue of the Commercial districts and said that the Council was aware that there might be some significant response from the property owners, especially in regard to issues like signs that had been in violation for many years. She suggested that the Board members view the two Council meetings at which Tex Ziadie spoke and made presentations, as a lot of discussion of these issues had taken place. She asked Tex Ziadie to send an E-Mail to the Board members, letting them know at exactly what point (time) in the Council meeting those presentations were, so that they could fast forward to that section. She asked if the Board had any questions for her. She thanked the Board again said that they were doing a good job.

7) Adjournment

There being no further business the meeting was duly adjourned at 8:15 p.m.

Respectfully Submitted:



Tex Ziadie
Code Compliance Officer
Supervisor-Building Department
Acting as Clerk of the Board

Approved as written during meeting of: 08-02-2011

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.

RECEIVED
JUN 07 2011
MIAMI SPRINGS
BUILDING DEPT

June 1, 2011

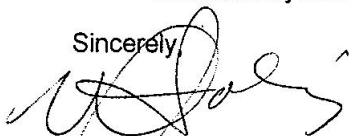
City of Miami Springs, Florida
Code compliance officer

To whom it may concern,

This letter is to excuse myself for not attending the hearing summoned on June 7, 2011. Due to a family emergency I'm traveling with my father Santana Solis who unfortunately suffered a major stroke which affected his brain and left him paralyzed from the right side of his body. I will need to relocate him so that he may receive the proper medical attention that he needs at this time.

As a long time resident of Miami Springs I would like to ask once again for your sympathy and understanding to this matter. I will return before the next council meeting and request that my hearing be rescheduled till then. I thank you again for the patience and consideration you have granted me in the past and I look forward to your decision.

Sincerely,



Milagros Solis

240 lenape dr. Miami Springs fl.

786-412-2508